

P A P E R S

RELATIVE TO THE

MILITARY DEFENCE

OF THE

COLONY.

*Presented to the House by command of His Excellency 8th and 10th June, 1858,
and ordered to be printed.*

AUCKLAND:

1858.

[MILITARY.]

(No. 82.)

Downing-street,
21st October, 1856.

SIR,—

With reference to your despatch No. 28, of the 15th of April last, I have to inform you that Lord Panmure has acquiesced in the opinion which I expressed to him that the contribution from Colonial funds in aid of the expense of Military Protection to be afforded to New Zealand, should for the present, be limited to all charges on account of the maintenance and repair of existing Barracks, and for constructing such further Barracks as may be required ; but I have to add, that unless you shall soon be able to report that these conditions have been carried into effect, Her Majesty's Government will feel it necessary to issue peremptory orders for the withdrawal of the Troops from those districts in which adequate provision for their accommodation has not been made.

I have &c.,

(Signed) H. LABOUCHERE.

Governor Gore Browne.
&c., &c.

MEMORANDUM BY MR. STAFFORD.

May 6th, 1857.

21st October,
1856.
27th December,
1856.

1. The Responsible Advisers of the Crown in New Zealand, have had under their consideration the Despatches from the Secretary of State in which your Excellency is informed that Lord Panmure has acquiesced in the opinion expressed by Mr. Labouchere, that the contribution from Colonial Funds, in aid of the expense of Military Protection to be afforded to New Zealand, should, for the present, be limited to all charges on account of the maintenance and repair of existing Barracks, and for constructing such further Barracks as may be required ; and adding that, unless your Excellency shall soon be able to report that these conditions have been carried into effect, Her Majesty's Government will feel it necessary to issue peremptory orders for the withdrawal of the Troops from those districts in which adequate provision for their accommodation has not been made ; and that Her Majesty's Government have decided that this arrangement should take effect from the date of the arrival in the Colony of the first mentioned despatch.

2. Your Excellency's advisers do not propose to controvert the general principle that Colonies should contribute towards the expense of their own military protection ; nor to enter into the question as to what share of the expense the mother country and a Colony should relatively bear ; but it is desired that the attention of the Home Authorities should be directed to the peculiar circumstances in which this Colony is placed ; and its consequent inability, at the present moment, to bear any additional charges beyond those to which it is already subject.

3. The position of New Zealand is essentially different from that of the neighbouring Colonies of Australia, and indeed from that of by far the greater portion of the British Possessions. In addition to the Colonists there is a large Aboriginal Population, more numerous, taking the whole Colony, than the Colonists themselves ; and in the two Northern Provinces, (those of Auckland and New Plymouth,) out-numbering the European population in the proportion of nearly 4 to 1. In the Southern Island, where the Native Population does not exceed from 2000 to 3000, there is not a single British Soldier stationed. It is principally therefore, if not altogether, the Native population which renders essential the maintenance of a British force in the Colony ; and certainly of a force anything like the strength of that now stationed here.

4. The liberal assistance which the mother country has hitherto afforded to the Colony has been of the highest importance to its welfare and advancement. For upwards of ten years peace has been preserved ; and the result has been a steady progress which could not otherwise have been attained. The war which unhappily broke out in the year 1845, was in consequence of the want of a physical force in the country sufficiently imposing to command respect ; and the inevitable result of the withdrawal of the Troops, or even of an undue reduction of their strength, would be, sooner or later, to bring about a struggle between the European and Native races. It is not that there is any ill-feeling, for the very reverse is the fact ; the best feeling exists between the Natives and the Colonists ; but disputes will constantly arise, frequently of the most trivial nature in their commencement, which would speedily

grow into serious quarrels, if there were not a force sufficient to enable the Government to act with decision, and to secure respect for its authority.

5. To go no further back than the commencement of your Excellency's administration ; it may be asked, if the Government had been deprived of the prestige of its physical power, what would have been the result of the murder committed by Marsden on the Native woman Kaerara ; of the outrages perpetrated by Natives on the family and property of the settler Mr. Sutton ; of the stealing two tons of gunpowder from the Island of Kawau ; of the Native disturbance at New Plymouth ; and of many other occurrences of minor importance ?

6. It is not because the Military power is not called out for active service that it is useless. The very fact of its presence as an immediately available force obviates the necessity for its use. Once deprive the Government of the respect, which with a race like the New Zealanders, physical force never fails to command, and no one well informed on the subject will dispute that a very different state of things to that now existing in New Zealand would speedily occur. New Plymouth affords a very striking example of the effect of the presence of a respectable military force in a district, till very lately continually harrassed by Native disturbance, and the fear of a collision between the races.

7. The danger is not to the settlers alone ; a war once commenced between the Settlers and Aborigines would, if there were no superior power and authority to check it, speedily become a war of extermination ; and disastrous as such would undoubtedly be to the former, there can be little doubt, as to all other wars between civilized and partially civilized races, as to what would be the ultimate result.

8. It is not however to be supposed that the Imperial Government would permit such a state of things to be brought about in one of Her Majesty's Provinces. Interference would become a necessity ; and that which might readily have been prevented by perhaps the presence alone of an adequate force, would, in all likelihood, require a long, troublesome, bloody, and expensive struggle to put down.

9. The alternative thus presented to the Imperial Government being to obviate collision between the races by the maintenance of the present force ; or to be compelled, at no distant time to restore peace to the Colony by an active and most costly military intervention ; mere considerations of economy would point to the adoption of the former course.

10. The Imperial Government is deeply interested in the preservation of peace in New Zealand ; to the Colonists and the Aborigines it is a question of life and death. It is submitted therefore that it cannot be considered a question as to whether an adequate military force shall or shall not be maintained in the country ; but simply under all the circumstances how the expense of such a force is to be borne.

11. It is not, moreover, at the present moment a question only whether the Colony can reasonably be called on to pay any part of the expense of maintaining that force ; but another most important question has first to be determined,—whether or not the Colony has the means of doing so.

12. Looking at the state of the Northern part of these Islands and the manner of its settlement, it is obvious that for some years after the planting of a weak Colony of Europeans in the midst of warlike tribes of uncivilized Aborigines, it would be impossible for a small scattered body of Colonists to maintain themselves without assistance from the mother-country ; and equally obvious that the revenue to be raised in such a country could not be adequate even to the maintenance of the necessary civil institutions. We find, therefore, that apart from the Military expenditure, the Imperial Government for some years contributed liberally towards the expense of the Civil Government.

13. In the five years preceding the year 1850-51, the sums voted by Parliament for this purpose averaged upwards of £25,000 per annum ; in that year the vote amounted to £41,730. It was greatly reduced in the succeeding years, and in 1853-4 amounted only to £5,090 : since that year nothing has been contributed from Imperial Treasury towards the Civil Government of New Zealand. The conduct of the Imperial Government has in this respect been just, prudent, and liberal ; and New Zealand no longer professes to have any claim upon the mother-country for the support of its civil institutions.

14. Proceeding to develop the objections to the immediate imposition of the change which it is now proposed to cast upon the Colony it may be worth while to remark, that, apart from the important considerations already adverted to which render the position of New Zealand exceptional, there is no real justice in extending to it the same rule which may properly be applied to the neighbouring Australian Colonies. It is scarcely dealing equally with New Zealand, founded only 17 years, and with an ordinary revenue of £100,000, to make the same demands upon it, as might fairly be made upon New South Wales, a colony possessing an ordinary revenue of three quarters of a million, and of about 70 years standing ; during the whole of which period it has received Military protection, although free from the embarrassing questions arising, as in this Colony, from the presence of a jealous and warlike Native race.

15. In considering moreover the peculiar position of New Zealand, the attention of the Imperial Government is earnestly requested to the present state of its finances. For the first ten years after the annexation of New Zealand to the British Crown, colonization was simultaneously carried on by the British Government in the Northern District, now the Province of Auckland ; and by the New Zealand Company in the Southern District, now comprised in the other five Provinces. Previously to the year 1847, serious differences had occurred between the Imperial Government and the Company, and the latter having preferred a claim to large compensation, the result was an Act of Parliament

(10 and 11 Victoria c. 112) one of the provisions of which was that if the Company should relinquish its understanding, and thereby the lands over which it had control revert to the Crown, there should be paid to the Company out of the proceeds of all future sales of the Demesne Lands of the Crown in New Zealand, after deducting a proportion for Surveys and Immigration, the sum of £268,370 15s.

16. The Colony was saddled with this enormous sum without having any opportunity afforded it of investigation the grounds upon which the Company's claim was admitted for so large an amount for injuries said to have been inflicted on the Company by the Imperial Government and its Officers. The form of the charge rendered the evasion of it easy, but this was not attempted on the part of the Colony; petitions and memorials from time to time entreated that the accounts might be investigated, and such sum as should be fairly found to be due secured in a more satisfactory manner to the Company. It was the general belief of the Colonists that if the very reasonable request of being fairly heard before they were condemned in such an amount, had been granted, it could without difficulty have been shown that the Company, apart from the £268,370 15s. secured by the Act referred to, had already received far more money than it was fairly or reasonably entitled to, in respect of any claim it ever professed to have. Notwithstanding this, when the Act to grant a Representative Constitution to the Colony of New Zealand was passed, an attempt was made again without reference to the Colony, to give the Company a better and more available security for its claim. Looking however to the power at the same time conferred on the General Assembly of New Zealand, it would have been competent for that Legislature to have still evaded the payment of a fraction to the Company, and it would have been generally considered throughout the Colony, to be not only justifiable, but meritorious, to evade the payment of a sum of money, the imposition of which, was believed, and which the Colonists undertook to prove, to be most oppressive, unreasonable, and unjust.

17. The Colony has however now accepted terms proposed by the Company for the redemption of this charge. A course taken, not from any belief in the justice of the charge, or from any doubt as to the result of a contest with the Company as to their power of enforcing payment of it, but in deference to the views of the Imperial Government. The amount of the charge thus undertaken by the Colony is £200,000.

18. New Zealand became an appendage of the British Crown under a treaty which guaranteed to the Aborigines the exclusive and undisturbed possession of their lands; the result of this has been, that strictly speaking, there was not an acre of waste lands of the Crown in New Zealand. All the Land in the hands of the Crown and of Settlers, has been purchased from the Aborigines; and, in the Northern Island, upwards of 4-5ths of the land is still the property of the Natives; and the estimated cost of acquiring that portion over which it is desirable that the Native Title should be extinguished, is stated on competent authority not to be less than half a Million sterling. The annual income of the Colony does not afford the means of providing for this most necessary expense, and a proposition has been submitted to the Imperial Government to enable the Colony to borrow the sum of £180,000 for the exclusive purpose of forming a fund, to be kept up out of the land sales, for the extinguishment of the Native Title in the Northern Island. It is true that this expense will ultimately be reproductive; but it will be some time before the proceeds of the sales from the newly acquired lands will more than cover the annual charge on the money borrowed for their purchase. This, moreover, is not an expense which can prudently be delayed; every year but increases the average cost of land purchased from the Natives, which is at the present time at least five times what it was ten years ago.

19. When the present Government of New Zealand came into office, there was a floating debt of about £120,000. It is unnecessary to go into the circumstances under which the debt was contracted; it is sufficient for the present purpose to say that it is a liability for which provision must be made. The Colony is therefore now endeavouring, with the assistance of the Imperial Government to negotiate a loan to cover these liabilities; which, with that to the New Zealand Company, will require a sum of £500,000, which, under the most favourable circumstances will require an annual charge of £30,000.

20. In addition to these liabilities, proposed to be met in the manner just described, is to be added the annual charge of the Civil Government of the Colony. For the year 1855 the expenditure on this account, (including the Civil List and Costs of Collection,) has been in round numbers as follows:—

For the General Government of the Colony	...	...	...	...	...	£66,000
For the Provincial Government of Auckland	...	...	...	...	...	23,000
“ “ “ of New Plymouth	...	...	...	...	...	3,200
“ “ “ of Wellington	...	...	...	...	...	12,000
“ “ “ of Nelson	...	...	...	...	...	7,000
“ “ “ of Canterbury	...	...	...	...	...	6,500
“ “ “ of Otago	...	...	...	...	...	4,000

Making a Total annual charge on the Revenue of the Colony and Provinces for the Civil Establishment of £121,700. Having regard to the items composing this expenditure, and the position of the scattered and widely separated settlements of New Zealand, it is difficult to see how, under the present constitution of Government this cost could be materially reduced; while, on the other hand, new wants must continually arise, which will have to be provided for.

21. It may therefore be assumed that the charge upon the revenues of New Zealand for which it is, and will be absolutely necessary to make annual provision, amounts at the very least to the sum of £151,700, without any reasonable hope of diminution. This sum does not include anything whatever for the public works and improvements absolutely necessary in a new country to develop its resources and ensure its progress, and even to prevent its retrogression.

22. The means of meeting this expenditure are now to be considered. The Ordinary Revenue of the Colony for the last three years may be stated as follows :—

1854	...	...	...	...	...	...	...	£108,739
1855	...	...	...	...	...	...	...	109,222
1856	...	...	...	...	...	...	...	107,698

to which may be added about £14,000 annually, for Provincial receipts not paid into the General Chest, shewing in round numbers an annual Ordinary Revenue averaging £123,216.

23. The cost of the Civil Government of New Zealand may therefore, (exclusive of the interest of existing debts and the sum required for the extinction of Native Titles) be taken as entirely absorbing the Ordinary Revenue.

It is true that there is a Territorial Revenue arising from the sales and leasing of Crown Lands: the gross receipt from this source were, in

1854	...	...	...	...	...	...	...	£182,886
1855	...	...	...	...	...	...	...	63,852
1856	...	...	...	...	...	...	...	82,382

from which must be deducted, for costs of collection and management, New Zealand Company's Fourths, and Land Purchases the sums of £104,281, £59,031, and £44,404, respectively; and, as these charges are fixed by the Constitution Act, the balance averaging about £44,680 annually is all that remains available to be appropriated to public purposes; and there does not appear any sufficient reason for expecting any material increase for some time to come.

24. Whatever also may be the receipts from this source, it is submitted that they are not properly applicable to the ordinary expenses of the establishments, Civil or Military, necessary for the colony. To treat receipts from land sales as Revenue, would be vicious in principle and ruinous in practice. Land Revenue is properly an annual profit received from the land, but not the peculiar money derived from the sale of it. A colony can only legitimately treat its land as so much capital, which, by continuous sales will become exhausted; and it would be as erroneous to spend that capital, when converted from land into money, in the ordinary expenses of Government, as for a private proprietor to sell his estate to pay the annual expense of his establishment.

The only legitimate purposes to which receipts from Land sales can be applied are such as amount to a conversion from one description of capital to another. The introduction and settlement of population; public works, including roads for rendering accessible the Waste Lands beyond those already sold; and improvements of a similar character, are the objects to which the receipts from the sale of the public Lands of a Colony can alone be legitimately applied. Accordingly these receipts are at present treated as Provincial Revenue, applicable to the requirements of the localities wherein they arise.

25. Such being the state of the Revenue and expenditure, it may be asked, whether the Colony should not be subjected to additional taxation. During the last session of the Assembly an alteration was made in the Tariff, principally with a view to the simplifying the mode of raising this branch of the revenue; but which would also, it was calculated, increase the Customs Revenue by about 10 per cent. The highest duty is now fixed on Spirits and Tobacco, which it is presumed they are calculated to bear without so increasing smuggling, that, with the great facilities afforded by the peculiar nature of the Coast, (especially in the Northern Districts,) the Revenue would rather lose than gain by any addition to the duties now levied on these articles. On almost every article of luxury and of necessity a duty is imposed, equal, upon an average, to about 8 per cent; the free list comprising only a very few items, of a character, such as implements and raw materials, admitted free almost everywhere.

It will be found, on a comparison of the Customs Duties levied in New Zealand with those raised in the Australasian Colonies, that the former is far more heavily taxed than the latter; and the small additional duties imposed by the recent alteration have already been made a subject of comparison and complaint. It is not therefore practicable to raise the duties of Customs, with a view to the increasing the Revenue of the Colony.

26. Direct taxation has been at different times attempted in New Zealand; on one occasion in substitution of Customs Duties, and frequently for Local purposes. Experience has proved that the raising of a large amount for any purpose by direct taxation would be impossible; and there is no doubt that, apart from the question of the expediency of such a course, an attempt to raise any amount in this manner for the general purposes of the Government, beyond that which can be obtained for local improvements, would certainly end in failure.

27. The foregoing considerations, it is respectfully submitted, present a claim which it is neither just nor expedient to disregard.

The Colonists are in no way responsible for the state of affairs existing in New Zealand; and it would be a false reasoning to take a course which would cripple the Colony and retard its progress; and thus for a lengthened indefinite period render necessary the presence of so considerable a military force as is now required. A few years more of peace and prosperity will place New Zealand in a position which will no longer make it necessary, or proper, for the Colony to appeal on the same grounds to the justice or liberality of the Mother Country; but will enable it, without detriment to the peace or progress of the Country, to forego any claim for Military protection against internal commotion, as it has already been able to forego pecuniary assistance towards the maintenance of the Civil Establishment of the Colony.

28. It is therefore respectfully urged upon Her Majesty's Imperial Government that the time has not yet arrived when New Zealand should be required to contribute towards the Military Establishments

absolutely necessary to be maintained in the Colony. The Native Population; the Public Debt; the expense of the Civil Establishment necessary under the New Constitution; a stationary Revenue entirely absorbed in meeting these demands, and the impossibility of increasing the receipts, by an increase of the present taxes, or the imposition of new ones, present a claim upon the Imperial Government which, it is believed, requires only to be fully known and understood, to be admitted.

29. Your Excellency is solicited earnestly to press on the Secretary of State the various considerations which have been adduced in this minute; which, it is confidently hoped, may be found weighty enough to modify the conclusion at which the Imperial Government has arrived. So deeply impressed with the gravity of these considerations are the present Responsible Advisers of the Crown in New Zealand, that they cannot undertake to propose to the General Assembly, on its next meeting, to make provision, under the existing circumstances of the Colony, for the charges in question.

30. Should they be disappointed in their expectation respecting the course which the Imperial Government will, under such circumstances, think proper to adopt,—and the extreme and disastrous measures of a withdrawal of the Troops be resorted to—they foresee that the Government of the Colony, already a sufficiently arduous task, will henceforth assume such a character of impossibility, that, in justice to themselves, they would be constrained to request to be relieved from the anxiety and peril of attempting to continue its administration.

(Signed) E. W. STAFFORD.

[No. 1214.]

Auckland 24th Feb., 1857.

SIR,—In reference to the Despatch from the Secretary of State for the Colonies, dated the 21st October 1856, (transmitted by your Excellency for my perusal,) it is with regret I have the honor to acquaint you that the imperative orders contained therein will prevent my authorizing any expenditure whatever from the Military Chest, after the 31st proximo, for the maintenance and repair of existing Barracks, or for such further Barracks as may be required for the accommodation of the Troops: unless Your Excellency's Government agree to guarantee all expense incurred on such services, should the Imperial Government decline to meet the same.

I have, &c.,

(Signed) R. H. WYNARD,
Col. Commanding the Forces in New Zealand.

PS.—It may be right I should state that the amount of the probable expenditure for 1857 and 8 is nearly £5,000.

(Signed) R. W. WYNARD.

His Excellency the Governor,

[No. 1255.]

Auckland 20th April, 1857.

SIR,—With reference to my letter to your Excellency of the 24th February last, No. 1214, and the Despatch dated as per margin may I request to be favoured with the sentiments of the Colonial Government in reference thereto; since the orders to me, as Officer commanding the Forces in New Zealand, are so imperative, that I could not feel myself justified in authorising, after the conclusion of the Military Financial Year, any advance whatever from the Commisariat Chest, for Barrack Accommodation.

I have &c.,

(Signed) R. H. WYNARD,
Col. Commanding the Forces in New Zealand.

His Excellency the Governor.

Auckland 4th May, 1857.

SIR,—In reference to the Despatch from the Secretary of State,—dated Downing Street, 21st October 1856,—regarding the liability of the Colonial Government for the defrayment of the expenses of all Barrack Accommodation, if the Imperial Government continue to supply Troops for the protection of this Colony, which your Excellency has done me the honour to forward for my perusal and information, I beg to inform you that the instructions therein contained are so peremptory that I cannot take the responsibility of authorising any further disbursement from the Military Chest for the service to which I have alluded.

At the Wapapu, Bay of Islands, there are troops, as per margin, located in hired buildings, the lease of which expires on the 29th inst.

May I beg your Excellency to convey to me the decision of your Government relative to the renewal of this lease, since I have no means of placing the force under canvass, and I am imperatively debarred, by tenor of the document in question, from incurring further outlay.

I have &c.,

(Signed) R. H. WYNARD,
Col. Commanding the Forces in New Zealand.

His Excellency the Governor.

Downing-st.,
21st October,
1856.

7 Sergeants, 1
Drummer, 152
Rank and File.

MEMORANDUM BY MR. STAFFORD.

May 8th, 1857.

With reference to the communications quoted in the margin, from the Colonel Commanding the Forces, relative to the construction, maintenance, and repair of Military Barracks in this Colony, the Responsible Advisers of the Crown in New Zealand, have to observe that there are no funds available for meeting the charges referred to.

No provision for such purposes has been made by the General Assembly; and the surplus of the Colonial Revenue, not appropriated by that body, is, by the Act of Parliament, expressly appropriated to the respective Provinces wherein the same shall arise, and cannot be legally otherwise applied.

Having, in the Minute which I had the honour to address to your Excellency on the 6th instant, explained at length the views of Ministers on the whole question involved, it is submitted that no alteration should be made in existing arrangements until these views have been communicated to the Imperial Authorities, especially in the absence of any express instructions from the Imperial War Department to the Colonel Commanding the Forces in New Zealand, on which that Officer might be required to act.

(Signed) E. W. STAFFORD.

MEMORANDUM BY THE GOVERNOR.

Government House,
Auckland, May 9th, 1857.

Without expressing any opinion on the arguments used by His Advisers in their Minute (Military) of May 6th, 1857, the Governor admits the fact that, there are at present, no funds available for the maintenance and repair of existing Barracks, and that, in the absence of the Assembly, Ministers have not the means of meeting these demands on the Treasury.

Under these circumstances, he will assume the responsibility of directing the Officer in command of the Troops, to continue the payments in the same manner as heretofore. He will also forward copies of His Advisers' Minute, and this Memorandum, to Her Majesty's Secretary of State.

In reference, however, to the last paragraph of their Minute, the Governor requests his Advisers to observe, that if, after considering the arguments they adduce, Her Majesty's Government should direct him to send home the Troops, it will not be in his power to assume any further responsibility, but he will then be obliged to yield implicit obedience to his instructions.

(Signed) T. GORE BROWNE.

MEMORANDUM BY THE GOVERNOR.

Government House, Auckland, 2nd July, 1857.

It is possible that, in the course of three or four months, the 89th Regiment will relieve the 58th. This will give the Governor an opportunity for re-considering the distribution of the Troops.

1. He therefore intends to remove the detachment from the Bay of Islands, unless accommodation is found for them in a more suitable position than the one they now occupy.

2. If his Advisers desire, the Governor will instruct the Officer Commanding the Troops to station two Companies at Nelson, with a due proportion of Officers, it being clearly understood that proper Barrack accommodation is provided for them, without expense to Her Majesty's Government.

Troops stationed at Nelson being more readily available for services in the North, than when at Wellington, a detachment may remain there permanently, unless unforeseen circumstances should render their presence necessary elsewhere.

(Signed) T. GORE BROWNE.

MEMORANDUM BY MR. STAFFORD.

July 6th, 1857.

With reference to the Governor's Memorandum of the 2nd instant, intimating that his Excellency intended, when the 58th was relieved, to remove the detachment from the Bay of Islands, unless accommodation was found for them in a more suitable position than they now occupy. His Excellency's Responsible Advisers have nothing to add, with respect to the question of providing funds for the erection and maintenance of Barracks, to what was stated in their Minutes of the 6th and 8th May on this subject.

They desire, at the same time, to express no opinion as to the advisability, or otherwise, of the removal of the Troops from the Bay of Islands.

(Signed) E. W. STAFFORD.

MEMORANDUM BY MR. STAFFORD.

August 4th, 1857.

With reference to the subject of His Excellency's Minute of the 28th ulto., the Advisers of the Crown in New Zealand do not feel at liberty, pending a reply to their Minute of the 6th May last, to take any steps which would affect the position of the Colony in respect of the question discussed in that Minute.

As regards the policy of the removal of the Troops, they are not prepared to offer an opinion; nor

24th February,
1857, 20th
April, 1857,
29th April,
1857, 4th May,
1857, 6th May,
1857.

is it required that they should do so, as the determination arrived at by His Excellency on the one side, and by Ministers on the other, renders such unnecessary.

(Signed) E. W. STAFFORD.

MEMORANDUM BY MR. STAFFORD.

October 13th, 1857.

From the information conveyed by this letter (letter from Resident Magistrate at Napier), and received from other sources, the presence of some Troops at Napier appears to be imperatively required, to prevent a similar state of affairs to that which preceded the location of Troops at New Plymouth; much excitement and irritation, likely to produce a bad feeling between the European and Native Races, will be avoided if Troops could be stationed at Napier at once. There is a Military Reserve for Barracks there, which the Colonel Commanding Royal Engineer has reported as being well adapted for the location of Troops; the "Wonga Wonga" steamer, which runs between Wellington and Napier, will afford the means of conveyance. His Excellency's Ministers therefore strongly advise that at least two companies of Her Majesty's Troops be stationed at Napier, with as little delay as possible.

(Signed) E. W. STAFFORD.

MEMORANDUM BY THE GOVERNOR.

October 14th, 1857.

The Governor has consulted with the Commaader of the Forces on the subject of sending a detachment of Troops to Hawke's Bay. He agrees with that Officer in thinking it not advisable to detach a smaller number than Two Hundred men, with their Officers, to so great a distance, until some defensible buildings have been erected.

The Governor is, however, prepared to instruct the Commander of the Forces to detach Two Hundred men from Wellington, and encamp them at Port Napier during the summer months; provided Ministers are able to assure him that, the buildings required for the accommodation and protection of at least one hundred men shall be erected, without expense to Her Majesty's Government, at Port Napier, before the commencement of the rains.

If Ministers are prepared to give this assurance, orders will be sent to Wellington by the mail which will be forwarded by the "Acadian" on Saturday next.

Ministers should observe that the reply now expected from the Secretary of State, relative to the maintenance and repair of Barracks, will have no reference to this subject, as despatches from the Duke of Newcastle addressed to the Governor in 1853, declared that Her Majesty's Government would not in future incur any expense for additional buildings in New Zealand, and those despatches have been several times referred to since that date.

(Signed) T. GORE BROWNE.

MEMORANDUM BY MR. STAFFORD.

October 16th, 1857.

With reference to the Governor's Memorandum relative to the stationing of Troops at Napier, His Excellency's Ministers are unable to give an assurance that buildings capable of accommodating at least one hundred men would be erected at Napier without expense to the Imperial Government before the commencement of the rains.

They have, in their previous minutes on the subject of providing Barracks for the Troops in New Zealand, shown that no funds have been provided for this purpose, while the whole Revenue of the Colony has been otherwise appropriated by the authority of Law.

Their Minute of the 6th May last, in which the question of the ability of the Colony to maintain existing, and construct new, Barracks for Troops, was entered into at length, expressed their unanimous and decided opinion on this subject; and they cannot but hope that a consideration of the present circumstances of the Colony, will convince the Imperial Authorities, that New Zealand should not at present be required to make provision for those objects.

With respect to the last paragraph of His Excellency's Memorandum, it is submitted that the Despatches alluded to, from the Duke of Newcastle, refer to defences for Harbors and Towns against foreign aggression, and not to the question of accommodation for Troops, which latter subject is referred to in Mr. Labouchere's Despatches of the 21st October and 27th December, 1856, and was the subject of the Minute of the 6th of May.

As a reply to that Minute may be expected in a few weeks, it is advised that the Troops, whose presence is deemed necessary at Napier, should be stationed there at once; subject to removal, if neither the Imperial Authorities, nor the Colony, will provide for their permanent accommodation at that place.

(Signed) E. W. STAFFORD.

MEMORANDUM BY THE GOVERNOR.

Government House,
16th October, 1857.

After consulting with the Military Authorities, the Governor regrets that he must decline to send

Troops to Port Napier, under canvas, "subject to removal, if neither the Imperial Authorities nor the Colony will provide for their permanent accommodation." He agrees with the Military Authorities in thinking such a course would be imprudent and unadvisable.

The instructions from Her Majesty's Government on the subject of Barracks are very distinct, as may be seen by the despatches, particularly that referring to the Barracks recently erected at New Plymouth, under circumstances precisely similar to those of Port Napier.

The responsibility of leaving Port Napier without Military protection must therefore rest with Ministers; for the Governor is prepared to instruct the Commander of the forces to issue orders for the movement of Troops to that place by to-morrow's post if he is assured that proper accommodation will be provided for a detachment of the strength mentioned in his former Minute.

(Signed) THOS. GORE BROWNE.

MEMORANDUM BY MR. STAFFORD.

October 17th, 1857.

In reply to His Excellency's Memorandum of yesterday's date, the Advisers of the Crown in New Zealand can only repeat that it is, in their opinion, desirable that Troops should be stationed at Napier.

That Ministers have no money to meet the expenses of lodging Troops, without the sanction of the General Assembly, which has never hitherto appropriated any funds for such a service.

The question being therefore reduced to one of money, it is manifestly open to the Governor, to whom the means of preserving the peace of the Colony is especially entrusted by the Imperial Government, to take the responsibility of directing the necessary advance from the Commissariat Chest, subject to future adjustment.

(Signed) E. W. STAFFORD.

MEMORANDUM BY THE GOVERNOR.

Government House,

October 17th, 1858.

The Governor will forward the whole of the correspondence relative to affording Military protection to the settlers at Hawke's Bay, to the Secretary of State, but declines to act in opposition to positive instructions from Her Majesty's Government.

(Signed) T. GORE BROWNE.

EXTRACT FROM MINUTES OF EXECUTIVE COUNCIL.

October 19th, 1857.

The Governor desires to record his opinion on the subject of Military Protection at Hawke's Bay.

He agrees with Ministers in thinking it advisable that troops should be sent to Port Napier.

He differs from them, and agrees with the Military Authorities, in considering it unadvisable to send Troops there, with a chance of their being removed when the wet season renders it necessary they should go into quarters.

Their removal under such circumstances would aggravate present difficulties.

The propriety of quartering Troops at Hawke's Bay being undisputed, the question of expense alone remains.

The orders from Her Majesty's Government on this subject are imperative. The Governor therefore records his inability to incur any expense for Barracks on account of Her Majesty's Government.

The Governor also thinks it his duty to express his opinion that Troops should be sent without delay; and that the expense of providing the necessary accommodation should be charged against the £100,000 loan, authorised by the Assembly.

That Ministers should make such representations to Her Majesty's Government as they think right. If these representations are successful, the expense will be repaid by Her Majesty's Government; if not, unforeseen events will have forced Ministers to act on their own responsibility; a power necessarily entrusted to them, when they accepted the office of *responsible* advisers to the Government.

True Extract.

(Signed) J. HOLT,
Fo Clerk of Executive Council.

MEMORANDUM BY MR. STAFFORD.

October 22nd, 1857.

With reference to the Governor's opinion relative to despatching a detachment of Troops to Napier, entered on the Minutes of the Executive Council on the 19th instant, His Excellency's Min-

isters have to observe, that the loan of £100,000 was authorised to be raised for specific purposes, from which they would not, without the sanction of the Legislature, be justified in diverting it.

Ministers also desire to state, that while on any proved emergency, involving the safety of life, or the peace of the community generally, they would not hesitate to recommend a temporary expenditure not authorised by law, they do not feel that there exists any such emergency as would justify them in incurring the expense of the erection of permanent Barracks at Napier, in opposition to what they believe to be the views of the House of Representatives. They consider it most desirable that Troops should be permanently located at Napier; but they have recommended, with a view alike to the opinion of the Legislature being expressed on the question, and to time being afforded for a reply to their Minute of the 6th May last, a temporary, nor a permanent stationing of Troops there. The proposal made in their Minute of the 16th instant appears fully to meet the requirements of the case.

The Governor makes the erection of permanent Barracks, a condition on which he insists, of sending Troops at all. In the necessity of this condition Ministers do not concur; and it would appear to them that if, under such circumstances, the erection of permanent Barracks is, in His Excellency's opinion, imperatively required, the responsibility of carrying into effect that opinion fairly rests with His Excellency.

(Signed) E. W. STAFFORD.

MEMORANDUM BY THE GOVERNOR.

Government House,
23rd October, 1857.

In a Minute, dated 13th October, the Colonial Secretary observes, "From the information conveyed by this letter, and received from other sources, the presence of some Troops at Napier appears to be imperatively required, to prevent a similar state of affairs to that which preceded the location of Troops at New Plymouth. Much excitement and irritation, likely to produce a bad feeling between the European and Native Races, will be avoided, if troops could be stationed at Napier *at once*. His Excellency's Ministers therefore strongly advise that at least two Companies of Her Majesty's Troops be stationed at Napier with as little delay as possible."

In reply to the above, the Governor, in a Minute of 14th October, said, that if Ministers are prepared to give an assurance that the buildings required for the accommodation and protection of 100 men will be erected, without expense to Her Majesty's Government, before the commencement of the rains, orders should be sent by the first mail to Wellington for the despatch of a detachment of 200 men, to be placed under canvass at Napier.

In a Minute, dated 16th October, Ministers recommend "that troops be stationed" (at Napier) "at once, subject to removal, if neither the Imperial Authorities nor the Colony will provide for their permanent accommodation at that place." This recommendation being on a subject exclusively Military, The Governor preferred the advice of the Military authorities, which was in accordance with his own opinion, and distinctly declined to follow that of his Ministers.

In a Minute dated 17th October, Ministers repeat "that it is in their opinion desirable that Troops should be stationed at Napier," and that it is manifestly the Governor who must take the responsibility of directing the advance from the Commissariat Chest, subject to future adjustment.

On the 19th October, the Governor recorded in Council "his inability to incur any expense for Barracks, on account of Her Majesty's Government;" and expressed an opinion that "the Troops should be sent without delay, and recommended that the expense of providing the necessary accommodation should be charged against the £100,000 loan, authorised by the Assembly."

In their Minute of 22nd October, Ministers state that "while on any proved emergency involving the safety of life or the peace of the community generally, they would not hesitate to recommend a temporary expenditure, not authorised by law, they do not feel that there exists any such emergency as would justify them in incurring the expense of erecting permanent Barracks at Napier."

It appears therefore that though Ministers consider the emergency of the case sufficient to induce them to recommend the Governor to act in direct opposition to instructions from Her Majesty's Government; or, as an alternative, in opposition to the advice of the Military Authorities, with whom he concurs in opinion, they do not think the emergency sufficient to warrant them in taking the responsibility of spending money not appropriated to the purpose by the House of Representatives.

This recapitulation would have been unnecessary, but that the Governor wishes his Advisers distinctly to understand that, so long as there are sufficient Troops in the Colony, he is ready to send them, at a moment's notice, wherever their services are required. That in questions exclusively of a Military nature, he will assume the responsibility of acting on his own opinion, after consultation with the Military Authorities.

That until the instructions which he now has, are rescinded by Her Majesty's Government, (which the Governor desires as much as his Advisers do,) he will take on himself the responsibility of refusing to send Troops to any place, however urgent the demand may be, until Ministers can assure him that the necessary accommodation will be provided for without expense to Her Majesty's Government.

(Signed) THOMAS GORE BROWNE.

MEMORANDUM BY MR. STAFFORD.

October 26th, 1857.

With respect to the Governor's Memorandum of the 23rd instant, Ministers desire most respectfully to point out what appears to be a misapprehension on the part of his Excellency.

They had no intention of advising his Excellency to act in direct opposition to his instructions ; on the contrary, they recommended that the question of the erection of permanent Barracks at Napier should be left for the decision of the Imperial Government and the General Assembly. They, however, added, that if, in the opinion of his Excellency, the erection of permanent Barracks at once was indispensable, (which, in their opinion it was not,) the responsibility of carrying out that view would fairly rest with the Governor.

Whether Troops are required in a particular district for the preservation of peace, and whether their services are likely to be beneficial, if afforded for a few months, and not by a permanent Military establishment, are questions, it is submitted of a Civil and Political, and *not* of a *Military* character. It is on these that Ministers have tendered advice ; upon the purely Military portion of the subject they have no desire to set their opinions in opposition to his Excellency and the Military Authorities.

(Signed) E. W. STAFFORD.

Private Secretary's Office.
October 27th, 1857.

SIR,—I am directed by the Governor to acquaint you, for the information of Ministers, that he has received Mr. Stafford's Minute, marked "Military," of the 26th instant. Having expressed his views clearly and distinctly in his Minute of the 23rd instant, the Governor declines further discussion on the subject.

I have, &c.,

F. G. STEWARD,
Private Secretary.

The Under Secretary,
&c., &c., &c.

Downing street,
16th February, 1858.

SIR,—I have to acknowledge your Despatches, Nos. 90 and 91, of the 17th October last, reporting a Native feud in the neighbourhood of Hawke's Bay, and also forwarding copy of a correspondence between yourself and your Advisers on the subject of affording Military protection to the settlers there.

I have to convey to you the approval of Her Majesty's Government of your conduct in declining to incur expense for Barrack accommodation under the circumstances mentioned.

I have had under my consideration, before arriving at this decision, the Minutes of your Responsible Advisers on the general subject of Barrack accommodation, conveyed in your Despatch, No. 41, of the 11th May last, which I will more fully answer by an early opportunity.

I have, &c.,

(Signed) H. LABOUCHERE.

Governor T. Gore Browne,
&c., &c., &c.

Downing Street,
12th March, 1858.

SIR,—I have to acknowledge your Despatch, No. 41, of the 11th May last forwarding two Minutes of your Responsible Advisers, and other documents, on the subject of the expenditure required for the maintenance of Barracks for the Military.

Her Majesty's Government have not failed to give their full attention to the reasons urged by your Advisers, and enforced by yourself, why this expenditure should not be borne by the Colony, and the delay which has taken place in answering your despatch will show that they were unwilling to urge the demand prematurely or inconveniently. But they are compelled to abide by the resolution communicated to you in the despatches of my Predecessor. Considering the demands on the Military Force of the Country, they cannot allow it to be employed for the preservation of order in New Zealand, unless the Colony is willing to contribute at least a share of its costs. They remain therefore of opinion that the general charge of lodging Officers and men, including the maintenance and repair of Barracks and the construction of such additional Barracks as may be required, ought to be borne by the Colony, as in the neighbouring Australasian Provinces. If your Advisers and the Legislature are not disposed to make provision accordingly, the only alternative will be the withdrawal of the Troops. I leave it to yourself and the Officer in Command to consider in what manner, and with what interval this had better be effected.

I have &c.,

(Signed) STANLEY.

Governor Gore Browne, C. B.,
&c., &c., &c.

